

40 Md. 421; *Foley v. Bitter*, 34 Md. 646; *Crauford v. Austin*, 34 Md. 51; *Mackintosh v. Corner*, 33 Md. 598; *Laupheimer v. Rosenbaum*, 25 Md. 219.

Title and powers of trustee and creditors.

While a trustee takes the property subject to valid liens, his control over it and right to recover it are not wholly limited to what the insolvent might do. The trustee represents all the creditors. *Applegarth v. Wagner*, 86 Md. 472.

Where there is a fraudulent transfer of money and property, the insolvent trustee may sue therefor at law. *Teackle v. Gibson*, 8 Md. 87.

Where an insolvent has made a deed for the benefit of creditors which has been declared void, the property vests at once in the insolvent trustee, and if any of such property has been sold, the proceeds belong to the trustee. *Lynch v. Roberts*, 57 Md. 153.

The insolvent trustee is the proper party to impeach a deed as fraudulent, and claim the property for the use of creditors. Proof of fraud. *Waters v. Dashiell*, 1 Md. 472.

Where the trustee refuses to institute proceedings to avoid a fraudulent conveyance, the creditors may do so themselves. Insolvent Estate of Leiman, 32 Md. 242; *Jamison v. Chestnut*, 8 Md. 38. But see *Powles v. Dille*, 2 Md. Ch. 119.

Where the creditors themselves attack a conveyance as fraudulent, the insolvent trustee is a necessary party. Immediately upon the setting aside of such a conveyance, the title vests in the trustee. *Jamison v. Chestnut*, 8 Md. 38. And see *Swan v. Dent*, 2 Md. Ch. 111.

Under the act of 1829, ch. 208, section 3, the provisional trustee has as full power to sue for and recover property fraudulently conveyed as the permanent trustee has. *Teackle v. Gibson*, 8 Md. 87.

Generally.

If the facts tend to show that the insolvent has been guilty of acts prohibited by this section, it is the duty of the court to have issues framed. *Jaeger v. Requardt*, 25 Md. 241.

This section relates only to cases of insolvency. *Triebert v. Burgess*, 11 Md. 462.

What a bill to set aside a conveyance under this section must allege. *Ensor v. Keech*, 64 Md. 380.

For a full note upon fraudulent conveyances, see *Swan v. Dent*, 2 Md. Ch. 111.

For cases involving similar provisions of the bankrupt act, see *Ecker v. McAllister*, 54 Md. 373; *Ecker v. McAllister*, 45 Md. 305.

For cases apparently no longer applicable to this section because of changes in the law, see *Waters v. Riggin*, 19 Md. 537; *Brooks v. Thomas*, 8 Md. 367; *Stewart v. Union Bank*, 7 Gill, 439; *Gardner v. Lewis*, 7 Gill, 379; *Cole v. Albers*, 1 Gill, 422; *Crawford v. Taylor*, 6 G. & J. 330; *Brooks v. Thomas*, 4 Md. Ch. 15. See also, section 24.

See sections 14 and 22 and notes.

As to conveyances from husband to wife, see art. 45, sections 1 and 2.

1904, art. 47, sec. 9. 1888, art. 47, sec. 9. 1860, art. 48, sec. 8.
1854, ch. 193, sec. 8.

9. Any judgment or decree confessed to give an undue preference to any creditor, or for the purpose of defrauding any creditor, shall be void and excluded in the distribution under this article.

If the facts tend to show that the insolvent has been guilty of acts prohibited by this section, it is the duty of the court to have issues framed. *Jaeger v. Requardt*, 25 Md. 241.

This section relates only to cases of insolvency. *Triebert v. Burgess*, 11 Md. 462.